

FILED
U.S. DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
WORCESTER

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ACADIA INSURANCE COMPANY, as :
subrogee of PETERBOROUGH OIL CO, U.S. DISTRICT COURT NO. 04-12043 (RGS)
INC. : DISTRICT OF MASS.

Plaintiff, :

v. :

JURY TRIAL DEMANDED

JASON TERHO :

Defendant. :

JOINT DISCOVERY PLAN AND SCHEDULING ORDER

Pursuant to Federal Rule of Civil Procedure 16(b) and Local Rule 16.1, the parties submit this Joint Discovery Plan and Scheduling Order, in advance of the initial Scheduling Conference which is scheduled to be held on March 2, 2005.

Joint Discovery Plan

As required by Federal Rule of Civil Procedure 26(f) and Local Rule 16.1, the parties have conferred in an attempt to reach an agreement on a proposed pretrial and discovery schedule. Pursuant to their discussions, the parties propose to conduct discovery in two phases. The first phase will consist of discovery in accordance with the automatic discovery provisions of the Local Rules of the United States Court for the District of Massachusetts for Interrogatories, Requests for Production of Documents, and depositions. This discovery will be done in an effort to develop information needed for a realistic assessment of the liability and damage aspects of the case. The second phase will consist of preparation for trial, including the retention, identification, and discovery of experts.

The parties propose the following schedule of discovery events:

1. Factual discovery will be completed by July 5, 2005.
2. Deposition of fact witnesses shall be completed by July 5, 2005.
3. The plaintiff shall identify all expert witnesses and provide reports on or

4. The defendant shall identify all expert witnesses and provide reports on or before September 22, 2005.

5. The parties shall have the right to depose their adversary's experts (at mutually convenient dates and times and without further leave of Court) from August 22, 2005, through November 22, 2005.

6. All dispositive motions, including motions for summary judgment pursuant to Federal Rule of Civil Procedure 56 shall be filed on or before December 12, 2005.

7. A final pretrial conference shall be scheduled by the Court anytime after December 12, 2005.

Either party may move the Court for an Order modifying any of the stated terms of this Scheduling Order for good cause shown.

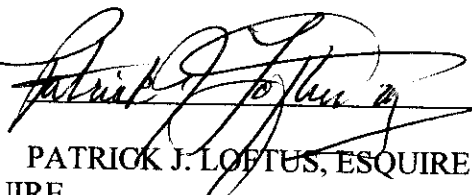
Trial Before a Magistrate

The parties agree to have this case tried by a jury before a magistrate.

ACADIA INSURANCE COMPANY

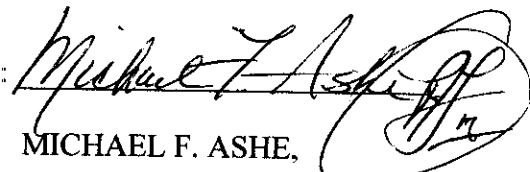
JASON TERHO

BY:


PATRICK J. LOFTUS, ESQUIRE
ESQUIRE

BBO #303310
9 Park Street
Suite 500
Boston, MA 02108

BY:


MICHAEL F. ASHE,

BBO #561009
Law Offices of
Donna Gully-Brown
446 Main Street, Floor 9
Worcester, MA 01608